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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,940	06/29/2006	Moshe Basol	7044-X06-007	2604
27317 7590 09/17/2008 Fleit Gibbons Gutman Bongini & Bianco PL 21355 EAST DIXIE HIGHWAY SUITE 115 MIAMI, FL 33180				
EXAMINER				
SQUIRES, BRETT S				
ART UNIT		PAPER NUMBER		
2131				
MAIL DATE		DELIVERY MODE		
09/17/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/596,940

**Applicant(s)**

BASOL ET AL.

**Examiner**

BRETT SQUIRES

**Art Unit**

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 19 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-893)  
Paper No(s)/Mail Date 06/29/06, 09/17/07.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

***Drawings***

1. The drawings are objected to because Figure 4 referenced in the specification has not been received by the Office. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-10 recite “a security system for preventing unauthorized processes activities,” the preferred embodiment of the security system, disclosed in paragraphs 30-33, is comprised of only software modules. Therefore, the claimed security system is drawn to functional descriptive material and does not fall into at least one of the four statutory classes defined by 35 U.S.C. 101. A computer program, such as the recited security system only imparts functionality when employed as a computer component, such as when a computer program is recorded on a computer readable medium. If a claim covers material not found in any of those four categories, then the claim falls outside the plainly expressed scope of 35 U.S.C. 101, even if the subject matter is otherwise new and useful. *See In re Nuijten 84 USPQ2d 1495 (Fed. Cir. 2007)*

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Carter et al. (US 2003/0051026).

Regarding Claims 1 and 11:

Carter discloses a network security system for preventing unauthorized processes activities within a network server environment ("A computer network" See page 10 paragraph 168), wherein each process is associated to at least one identified communication session ("The User Identification Matrix associates a given user ID with a given process ID." See page 21 paragraphs 341 and 349) and the process authorization is determined in accordance with predefined rules ("The elements in the User Permissions Matrix are matched with the elements in the Permissions Control Matrix." See page 23 paragraph 363), wherein the rules refer to the properties of the identified communication session ("The Parent Process ID, Process ID, Process Group ID, Session ID, Terminal Name, Terminal Process Group ID, and User ID may be tracked and controlled by the User Permissions Matrix and the Permissions control Matrix." See page 23 paragraph 363).

Regarding Claims 2 and 12:

Carter discloses a filtering module installed on each server for blocking unauthorized processes activities in accordance with determined authorization ("A sub-layer to block all processes associated with attacks by filtering out all IP address related to the process in the Process Identification Matrix Vector." See page 36 paragraphs 655, 657 and page 48 paragraphs 976-984) .

Regarding Claims 3 and 13:

Carter discloses the network security system includes at least one agent installed on one of the protected servers within the server network environment, the agent enable

correlating between processes and sessions on different servers ("The process control matrix contains process IDs which are used by the process control vector to control the number of process IDs being monitored by specified processes such as agents, knights, and other personalities." See page 21 paragraph 345 and "Commander, deamons, KnS, Agents and Angels perform correlation and access control." See page 36-37 paragraphs 653, 656, 665, 667, and 671).

Regarding Claims 4 and 14:

Carter discloses for each process an identification code of the identified communication session is added to the process information vector ("The network security system evaluates the Process ID and Session ID to provide information indicating whether or not processes are operating according to their intended permission. See page 23 paragraph 363).

Regarding Claims 5 and 15:

Carter discloses the identification code replaces redundant information in the process information vector ("Process Identification Vector" See page 21 paragraph 342).

Regarding Claims 6 and 16:

Carter discloses the processes are associated to the identified communication session by a unique process identifier ("Process Identification Vector" See page 21 paragraph 342).

Regarding Claims 7 and 17:

Carter discloses the identified session properties are sign in parameters ("A group identification matrix is generated from the user IDs of each user and cross-referenced with the password file." See page 21 paragraphs 342 and 346).

Regarding Claims 8 and 18:

Carter discloses the identified session properties are initial session type parameters ("The network security system evaluates the Parent Process ID, Process ID, Process Group ID, Session ID, Terminal Name, Terminal Process Group ID, and User ID to provide information indicating whether or not processes are operating according to their intended permission. See page 23 paragraph 363).

Regarding Claims 9 and 19:

Carter discloses the identified session properties are hyperlink session address type properties. ("The network security system evaluates the Session ID to provide information indicating whether or not processes are operating according to their intended permission. When the user navigates to a website through a hyperlink the Session ID will change to that encoded in the hyperlink." See pages 18 paragraph 286 and page 23 paragraph 363).

Regarding Claims 10 and 20:

Carter discloses the communication session is identified according to unique Transmission Control Protocol port ID ("After the communication connection for a user has been made, the connection is then shifted to a lesser-known port. See pages 21-22 paragraphs 349-351 and page 49 paragraph 997).

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRETT SQUIRES whose telephone number is (571) 272-8021. The examiner can normally be reached on 9:00am - 5:30pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BS/

/Christopher A. Revak/  
Primary Examiner, Art Unit 2131